

**Remarks/Arguments**

In an Office Action dated July 16, 2007, claim misnumbering was noted; claims 79-81 and 156 were objected to; claims 1-158 were rejected under § 112, ¶ 2; claims 1-9, 29-41, 61-79, 93-105, 125-135 and 153-157 were rejected under § 102 as anticipated by Valdevit; claims 1-158 were provisionally rejected under obviousness-type double patenting over Application No. 10/698,851 and claims 10-28, 42-60, 74-92, 106-124, 136-152 and 158 were provisionally rejected under obviousness-type double patenting over Application No. 10/699,567 in view of Valdevit. Applicants request reconsideration in view of the remarks below.

**Amendments:**

Applicants have cancelled claims 4, 5, 7-18, 21-28, 31, 36, 37, 39-50, 53-60, 63, 69, 69, 71-82, 85-92, 96, 100, 101, 103-113 (including both claims 103), 116-123 and 126-157. Applicants have amended the independent claims to generally recite one switch selecting a route through at least two switches of the core-edge switch configuration to balance traffic. Amendments have been made to the remaining dependent claims to conform them to the amended independent claims.

**Claim Misnumbering and Claim Objections**

Applicants submit that the amendments have rendered the misnumbering and objections moot.

**Section 112 Rejections**

Applicants submit that the amendments have resolved the § 112 rejections by removing the indicated language or changing it to balancing.

### **Section 102 Rejections**

#### **Independent Claims 1, 33, 65 and 97**

The independent claims have all been amended to require either one switch or routing logic associated with a switch to select a route through at least two switches forming the core-edge switch configuration. As Valdevit only relates to routing within a single switch, Applicants submit that the present claims are allowable over it. There is no teaching or suggestion in Valdevit that the selected route is through two switches, only that the route is out of the single switch itself.

Applicants submit that claims 1, 33, 65 and 97 are allowable.

#### **Claims 29, 30, 61, 62, 93, 94, 124 and 125**

These claims all require tags added to a frame after the frame enters a switch and that the route is selected at least in part on those tags. The Office Action cited ¶ 63 of Valdevit. Paragraph 63 merely indicates that fields including D\_ID, S\_ID and X\_ID may be used to calculate the hash function. Such fields are part of the frame itself, specifically the frame header, and so cannot correspond to the required tag. Applicants reference page 17, lines 4-7 for a description of the tags and a clear explanation that they are not the S\_ID, D\_ID or similar fields. Further, there is no indication in Valdevit that such fields would be added to the frame after it enters a switch. Indeed, Valdevit teaches the opposite as those fields are fields contained in the header of the frames and so are present when the frame is originally created by a host or target.

Applicants submit that claims 29, 30, 61, 62, 93, 94, 124 and 125 are further allowable.

### **Double Patenting Rejections**

#### **Application No. 10/698,851**

Applicants respectfully traverse the double patenting rejection as to Application No. 10/698,851 based on the amended independent claims.

As stated above, the current independent claims all require either one switch or routing logic associated with a switch to select a route through at least two switches forming the core-edge switch configuration. As the claims of Application No. 10/698,851 only relate to routing within a single switch, Applicants submit that the present claims are not obvious over them. There is no teaching or suggestion in the claims of Application No. 10/698,851 that the selected route is through two switches, only that the route is out of the single switch itself.

Applicants therefore submit that the double patenting rejection is improper and should be withdrawn.

**Application No. 10/699,567 and Valdevit**

Applicants respectfully traverse the double patenting rejection as to Application No. 10/699,567 and Valdevit based on the amended independent claims.

Applicants first note that an amendment in Application No. 10/699,567 was filed on September 21, 2007, so that the claims used to form the present rejection are no longer present in that application. To progress this case along, Applicants will respond with regard to the claims currently pending in Application No. 10/699,567.

The current claims of Application No. 10/699,567 only relate to routing within a single switch, as true in Application No. 10/698,851 and in Valdevit, as discussed above. Applicants submit that the present claims are not obvious over the current claims of Application No. 10/699,567 and Valdevit. There is no teaching or suggestion in the claims of Application No. 10/699,567 or in Valdevit that the selected route is through two switches, only that the route is out of the single switch itself.

Applicants therefore submit that the double patenting rejection is improper and should be withdrawn.

**Conclusion**

Based on the above remarks Applicants respectfully submit that all of the present claims are allowable. Reconsideration is respectfully requested.

Respectfully submitted,

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